

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, MARCH 30TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 22, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 378 S. Santa Fe Street AKA 115 W. Paisano Drive (Rep. District #8)

Scheduling a public hearing to be held on April 27th, 2004 to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of January 13th, 2004, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. No taxes owed. District #8

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 27th day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in El Paso, Texas, which property is more particularly described as:

A portion of the West ½ of Block 33, being 110.19 feet on Santa Fe Street by 120 feet beginning on Piasano Southwest corner, Block 33, Anson Mills Map, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

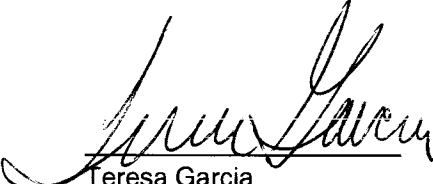
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 30th day of March, 2004.

APPROVED AS TO FORM:


Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:


Tom Maguire
Housing Compliance Supervisor



CONDEMNATION REPORT

BUILDING SERVICES DEPARTMENT

DATE OF EXAMINATION: 12/19/01

REP. DISTRICT: 8

ADDRESS: 148-150 N. Brown St. AKA 150 N. Brown St.

ZONED: C-4

LEGAL DESCRIPTION: Block 32, Franklin Heights, S 75 ft. of 1 to 3 & S 75 ft. of W 15 ft. of 4

OWNER: Carlos Escobedo

ADDRESS: 10540 Kendall St.

BUILDING USE: Abandoned duplex

TYPE OF CONSTRUCTION: III

FOOTINGS: Reinforced concrete

FEASIBLE TO REPAIR: No

CONDITION: Fair. There is no evidence of structural failure. A licensed professional engineer should be hired to examine all structural elements of the building.

FOUNDATION WALL: Native stone rubble masonry

FEASIBLE TO REPAIR: No

CONDITION: Poor. The mortar is soft and crumbling.

FLOOR STRUCTURE: Wood framing with wood flooring

FEASIBLE TO REPAIR: No.

CONDITION: Very poor. The floor is partially burned and feels very soft, possibly due to water damage from roof leaks and broken out windows.

EXTERIOR WALLS: HEIGHT: 10-18' **THICKNESS:** 12"

FEASIBLE TO REPAIR: No

CONDITION: Poor. Fire and water damage and neglect have led to possible compromise of the strength of the outside walls. An engineer's report must be obtained for all structural elements.

INTERIOR WALLS & CEILINGS: Wood framing with plaster and sheetrock

FEASIBLE TO REPAIR: No

CONDITION: All of the walls and ceilings are damaged some from leaks and vandalism, others from fire. The walls must be replaced or repaired to meet code.

ROOF STRUCTURE: Wood frame and brick - asphalt roofing

FEASIBLE TO REPAIR: No

CONDITION: Time and neglect are evident in the condition of the roof. A thorough inspection of the roof structure must be made to determine what must be done to comply with code.

DOORS, WINDOWS, ETC.: Wood doors and windows

FEASIBLE TO REPAIR: No

CONDITION: The doors and windows are damaged or missing and must be replaced with code compliant units.

MEANS OF EGRESS: Concrete stairs in front, wood balcony and metal stairs in the back

FEASIBLE TO REPAIR: No

CONDITION: The rear balcony is badly deteriorated and must be completely replaced. Railings must be installed in the front.

PLUMBING: Fixtures broken and missing.

ELECTRICAL: Inadequate and damaged by vandals and fire must be replaced by a licensed electrician.

MECHANICAL: HVAC system not adequate. New system must be designed by a licensed HVAC contractor.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes **BARRICADED:** No **POLICE AID REQD.:** No

REMARKS: This building has been open and abandoned for years. It has been the setting for drug use, gang activity, sexual assault and arson. I recommend that the structure be demolished and the lot cleaned of all weeds, trash and debris.

Tom Maguire
Inspector

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
October 31, 2003

Anid, Inc.
2120 Myrtle Ave.
El Paso, Texas 79901-2002

Re: 378 S. Santa Fe St. AKA
115 W. Paisano Drive
Lot: 181.78 Ft. on Santa Fe
X 120 Ft. on Paisano SWC of Blk
Blk: 33, Mills
Zoned: C-4
COD03-16961
Certified Mail Receipt #
7003 1010 0004 5304 0509

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

378 S. Santa Fe Street AKA 115 W. Paisano Drive

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive has the following violations:

- a. The floors have not been maintained in a safe manner.
- b. The walls have not been maintained in a safe manner free of holes and cracks.
- c. The roof structure has not been maintained free of defects that may cause leaks.
- d. The means of egress is/are inadequate and do not meet minimum code requirements.
- e. The plumbing system is inadequate and does not meet minimum code requirements.
- f. The electrical system is inadequate and does not meet minimum code requirements.
- g. The HVAC system is inadequate and does not meet minimum code requirements.
- h. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

378 S. Santa Fe Street AKA 115 W. Paisano Drive

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read 'Leo CassoLopez', with a stylized flourish at the end.

Leo CassoLopez
Building Inspector

LC/rl

AMT DUE AS OF: 20040212 ROLL R ALT OWN
UNITS:01 03 06 07 08 33 61 - OMIT(-)/SEL(+) 61
ANID INC 33 MILLS
2120 MYRTLE AVE 181.78 FT ON SANTA FE X 120 FT
ON PAISANO SWC OF BLK
(21813.78 SQ FT)

EL PASO	TX 79901-2002					
ACRES	.5008	PARCEL ADDRESS	378	SANTE FE		
YEAR GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEES	PAYMENTS	TOTAL DUE
2003	486318	15295.85	12/31/2003		15295.85	.00
2002	393453	12294.91	12/31/2003	5096.26	17391.17	.00
2001	393456	12141.31	01/31/2002		12141.31	.00
2000	386619	11622.51	12/31/2000		11622.51	.00
1999	386620	11589.48	12/31/1999		11589.48	.00
1998	386620	11951.86	01/31/1999		11951.86	.00
1997	386620	11138.91	01/15/1998		11138.91	.00

TOTAL	.00	.00	.00			
LAST PAYOR OWNER				PAGE TOTAL		.00
NOTE EXISTS				CUMULATIVE TOTAL		.00
ENTER NEXT ACCOUNT						

7003 1010 0004 5304 0509

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	LC	Postmark Here
Certified Fee	NOV 03 2003		
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Anid, Inc. 2120 Myrtle Ave. El Paso, Texas 79901-2002 Re: 378 S. Santa Fe Street AKA 115 W. Paisano			

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: LC

Anid, Inc.
 2120 Myrtle Ave.
 El Paso, Texas 79901-2002
 Re: 378 S. Santa Fe Street AKA
 115 W. Paisano

LT #3

2. Article Number
 (Transfer from service label)

7003 1010 0004 5304 0509

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *S. Felles* ☐ Agent ☐ Addressee
 B. Received by (Printed Name) C. Date of Delivery
STANISLAW FELLES
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

NOV 04 2003

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-01-M-2509


EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

M E M O R A N D U M

DATE: November 7, 2003

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Jorge Ramirez, Sr. Environmental Health Inspector 

SUBJECT: Condemnation Report

RE: 378 S. Santa Fe St. 79901

An inspection of the property was conducted on November 6, 2003 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA:

N/A

SECTION 9.04.340 - ACCUMULATIONS:

Of trash and broken bottles was seen in the rear of the property.

SECTION 9.16 - NUISANCE:

N/A

SECTION 9.16.010 - DESIGNATED:

N/A

SECTION 9.28 -RAT CONTROL:

The structure consists of apartments and small businesses. The structure is old and decaying. Evidence of a cockroach infestation was seen.

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.